

By: Buckingham, et al.

S.B. No. 1151

A BILL TO BE ENTITLED

AN ACT

relating to the protection of expressive activities at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9315 to read as follows:

Sec. 51.9315. PROTECTED EXPRESSION ON CAMPUS. (a) In this section:

(1) "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may not designate any area on campus as a free speech zone or otherwise create policies implying that its students' expressive activities are restricted to particular areas of campus. An institution of higher education may not, except to provide time, place, or manner restrictions as provided by Subsection (c), restrict the right of students to engage in expression in a student forum.

(c) Notwithstanding Subsection (b), an institution of

1 higher education by rule may maintain and enforce reasonable
2 restrictions on the time, place, and manner of expressive
3 activities on the common outdoor areas of the institution's campus
4 if those restrictions:

5 (1) are narrowly tailored to serve a significant
6 institutional interest;

7 (2) employ clear, published, content-neutral, and
8 viewpoint-neutral criteria; and

9 (3) provide for ample alternative means of expression.

10 (d) Each institution of higher education shall adopt a
11 policy detailing students' and employees' rights to engage in
12 expressive activities at the institution. The policy must:

13 (1) prohibit:

14 (A) reducing a student's grade for engaging in
15 expressive activities; and

16 (B) increasing a student's grade for engaging in
17 expressive activities, unless a variety of expressive activities
18 and viewpoints, including the viewpoints of any political party,
19 qualify for the increase;

20 (2) include a grievance procedure for addressing
21 complaints of a violation of this section;

22 (3) be approved by a majority vote of the institution's
23 governing board before final adoption; and

24 (4) be posted on the institution's Internet website.

25 (e) Each institution of higher education shall inform
26 students enrolled at and employees of the institution of the policy
27 adopted under Subsection (d), including by:

1 (1) discussing the policy during student orientation;

2 and

3 (2) annually distributing a copy of the policy to

4 students and employees.

5 (f) An institution of higher education or any employee of

6 the institution may not punish a student or employee in any manner

7 for engaging in expressive activities.

8 SECTION 2. If any provision of this Act or its application
9 to any person or circumstance is held invalid, the invalidity does
10 not affect other provisions or applications of this Act that can be
11 given effect without the invalid provision or application, and the
12 provisions of this Act are severable for this purpose.

13 SECTION 3. This Act takes effect September 1, 2017.